

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

RAFAEL FIUMARA,

Petitioner

v.

CAMERON LINDSAY,

Respondent

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CIVIL NO. 3:CV-05-1597

(Judge Kosik)

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

_____Rafael Fiumara, an inmate currently incarcerated at the Canaan Federal Prison Camp, Waymart, Pennsylvania, filed this habeas corpus petition on August 8, 2005, pursuant to 28 U.S.C. § 2241. He has paid the required filing fee. In the petition, Fiumara alleges that the Federal Bureau of Prisons ("BOP") has failed to calculate his sentence properly. He claims that the sentencing court subtracted from his federal sentence 68 months as credit for time he served in pre-trial detention in Italy. He contends, however, that the BOP incorrectly calculated his Good Conduct Time ("GCT") credit toward his sentence based only upon 167 months of imprisonment in the United States, when the GCT should have been calculated on the basis of the entire sentence of 235 months, which includes the time he spent in pre-trial detention in Italy. Petitioner requests that the BOP recalculate his sentence and award him GCT credit based upon the length of his entire sentence including the foreign jail time.

On October 5, 2005, the Court directed service of the petition. Following an

enlargement of time, a response to the petition was submitted on December 2, 2005.

Respondent informs the Court that as a result of the petition and the sentencing computation issues presented, the BOP conducted a review and determined that the pre-trial detention time spent in Italy should be credited to Petitioner's current sentence computation. The time in issue had never been awarded against another sentence and is directly related to Petitioner's instant offense. As a result, Respondent informs the Court that Petitioner's sentence computation has been recalculated so as to award jail credit time inclusive of the approximate 68 months spent in detention in Italy, and he has been credited with the GCT credit against this time. (Doc. 12, Att. 1 at 1.) Under the new calculation, Petitioner will now receive 2,715 days prior credit (as compared to the 637 days previously calculated) and has earned or is projected to earn a total of 921 days GCT credit (as opposed to the 655 days previously projected). Petitioner has a new projected release date of October 20, 2007, and a full term expiration date of April 28, 2010. Based upon the foregoing, it is clear that Petitioner has received the relief requested in his petition and the petition is now moot.

**ACCORDINGLY, THIS 8th DAY OF DECEMBER, 2005, IT IS HEREBY ORDERED
THAT:**

1. The petition for writ of habeas corpus is **dismissed as moot**.
2. The Clerk of Court is directed to close this case.

s/Edwin M. Kosik
United States District Judge